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Notice of Allowability	Application No.	Applicant(s)	
	10/803,277	TURNER ET AL.	
	Examiner	Art Unit	
	Maryam Monshipouri	1652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 6.
3. ☐ The drawings filed on ____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>filed 3/2004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet, attachment.</u> |

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An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Mr. David Hibler, on March 1st 2005.

Examiner's Amendment to the Claims

Cancel claim 5 without prejudice.

Examiner's Amendments to the Specification

Please amend the first full paragraph on page 1, beginning with "the present application claims benefit ...", as follows:

The present application is divisional application of U.S. Application Number 10/116,326, filed on April 4, 2004, now U.S. Patent Number 6,777,545, issued 17th August 2004, which claims the benefit of U.S. Provisional Application Number 60/282,036, which was filed on April 6, 2001, both of which are herein incorporated by reference in their entirety.

The following is an **Examiner's Statement of Reasons for Allowance**:

Claim 6 is drawn to an isolated human kinase of specific amino acid sequence. Claimed amino acid sequence is free of prior art. Further, the prior art does not teach or suggest preparing such specifically claimed amino acid sequence. Hence, said sequence is also non-obvious.

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Claim 6 is allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maryam Monshipouri whose telephone number is (571) 272-0932. The examiner can normally be reached on 7:00 a.m to 4:30 p.m. except for alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnanthapu Achutamurthy can be reached on (571) 272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 or (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Maryam Monshipouri Ph.D.

Primary Examiner

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	TITLE OF INVENTION: <td>No. 67431961 Nucleic Acids and</td>	No. 67431961 Nucleic Acids and
	TITLE OF INVENTION: <td>Polypeptides</td>	Polypeptides
	FILE REFERENCE: <td>802</td>	802
	CURRENT APPLICATION NUMBER: <td>US/09/774,528</td>	US/09/774,528
	CURRENT FILING DATE: <td>2001-01-30</td>	2001-01-30
	NUMBER OF SEQ ID NOS: <td>441</td>	441
	SOFTWARE: <td>pt_fl_genes Version 2.0</td>	pt_fl_genes Version 2.0
	SEQ ID NO: <td>221</td>	221
	LENGTH: <td>1797</td>	1797
	TYPE: <td>DNA</td>	DNA
	ORGANISM: <td>Homo sapiens</td>	Homo sapiens
	FEATURE: <td></td>	
	NAME/KEY: <td>CDS</td>	CDS
	LOCATION: <td>(15) .. (1787)</td>	(15) .. (1787)
	US-09-774-528-221	
Query Match	42.8%; Score 980; DB 4; Length 1797;	
Best Local Similarity	75.4%; Pred. No. 1,2e-227;	
Matches 1470; Conservative	0; Mismatches 0; Indels 480; Gaps 1;	
Db	268 AGTACCTGTTCTGAGACAGTTCGGGGGGTGGAGTATTCGACTACCTGTTAAAGAG	327
Qy	87 AGGTACCTGTTCTGAGACAGTTCGGGGGGTGGAGTATTCGACTACCTGTTAAAGAG	146
Db	328 GGGAACTGAGGCCCCAAGAGAGCCGAAAGTTCCTCCGACAGATTGTCTCGCTGGAC	387
Qy	147 GGGAACTGAGGCCCCAAGAGAGCCGAAAGTTCCTCCGACAGATTGTCTCGCTGGAC	206
Db	388 TTCTGCACAGCTACTCCATTGTCACAGAGCCTTAAAGCCCGAAGCCTGCTTTGGAT	447
Qy	207 TTCTGCACAGCTACTCCATTGTCACAGAGCCTTAAAGCCCGAAGCCTGCTTTGGAT	266
Db	448 GAGAAAAACAATCCGCTTGGACAGCTTCGGCATGGGCTCCCTGTCAGAGTGGAGACG	507
Qy	267 GAGAAAAACAATCCGCTTGGACAGCTTCGGCATGGGCTCCCTGTCAGAGTGGAGACG	326
Db	508 CTCCTGAGACAGCTTCGGGCTCCGCCATTATGCTGTCCAGAGTGAATTAAAGGGGAA	567
Qy	327 CTCCTGAGACAGCTTCGGGCTCCGCCATTATGCTGTCCAGAGTGAATTAAAGGGGAA	386
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Qy	687 ATGCGGAGCTGCAATCCATGAGAGTGGACCCCGACGATCTCTAGAGACATGAGCTCA	746
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